

STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC: Approval of Resolution:
Condemnation of Certain Real
Property

ITEM NO.: 13H

PREPARED BY: Scott Horan,
Executive Director
Planning & Construction

MEETING: July 11, 2006
June 20, 2006

ACTION DATE: July 11, 2006

Andre' A. Nougaret,
Assistant Superintendent
for Support Services

ACTION REQUESTED BY THE SUPERINTENDENT: That the School Board approve a condemnation resolution to acquire real property (land) in support of the installation of a traffic signal and road turn lanes at the intersection of Mountain View and Shelton Shop Roads.

KEY POINTS:

1. During the land feasibility study for the Armstrong Land Tract and the subsequent design and development of the site, a traffic impact analysis (TIA) was commissioned to document the impact of the planned additional traffic to the area and establish a road map for required traffic improvements. Specifically, the TIA analyzed the road networks adjacent to the Armstrong tract including but not limited to Mountain View Road, the intersection at Choptank and Mountain View Roads and the intersection at Mountain View and Shelton Shop Roads. The TIA showed that the Mountain View and Shelton Shop intersection did not conform to traffic regulations and recommended a traffic signal be installed. It also showed that a traffic signal was needed at Mountain View and Choptank.
2. VDOT and Stafford County agreed and concurred with the TIA. Stafford County, SCPS and VDOT coordinated planning for both traffic signals (Mountain View & Shelton Shop and Mountain View & Choptank) with SCPS funding the projects through VPSA bond sales. The traffic signal at Mountain View and Choptank has been installed and is operational.
3. Design of the traffic signal at Mountain View and Shelton Shop is 98% complete. Staff in-conjunction with our counsel (Parish, Houck and Snead) have been working with seven (7) impacted landowners to obtain right-of-way for turn lanes and the traffic signal. To date, five (5) landowners have either donated or are in the process of accepting a bona fide offer (developed from land appraisals) and two (2) landowners have refused a bona fide offer.
4. Staff is at an impasse with the two (2) landowners unwilling to accept the SCPS

appraised value of the land. Staff or counsel has met or contacted the landowners several times in an effort to reach an agreement. It is the position of staff not to offer more than the SCPS appraised amount for the right -of-way. After consulting with our attorney we have been advised the next step is to offer more than the appraised value of the land or pursue condemnation of the land (quick take). **Description of the land parcels to be condemned are outlined in the attached resolution and shown on the attached site plan.** Appraisal amounts and landowner counteroffer amounts are listed below:

Ambrose	SCPS Appraisal (\$21K)	Landowner Offer (\$43.6K)
Heflin	SCPS Appraisal (\$8.8K)	Landowner Offer (\$24.1K)

5. The School Board has the authority to condemn land per 22.1-127 of the Code of Virginia. This action is usually reserved as a last resort. The first step in the process is to have the School Board approve a resolution to condemn the land in question (see attached resolution). The resolution also provides our attorney with the authorization to move forward with the condemnation process on the School Board's behalf.

6. Staff plans to advertise the traffic signal construction project through the Stafford County Purchasing Department once all seven (7) plats for the right-of-way and easements have been filed with Stafford County and all required VDOT approvals have been obtained. We anticipate these actions to be completed in the September - October 2006 timeframe. Staff's original goal was to have the traffic signal installed and operational by September 2006. Our revised goal is May 2007.

7. If the resolution is approved by the School Board at the July 11, 2006 School Board meeting, staff will notify our attorney immediately to initiate condemnation proceedings.

SCHOOL BOARD GOAL: #5 – Provide facilities that promote student learning and and community support.

#7 – Provide school environments where teachers are safe to teach and students are safe to learn.

FUNDING SOURCE: VPSA - MVHS

AUTHORIZATION REFERENCE: Section 22.1-127 Code of Virginia

STAFFORD COUNTY PUBLIC SCHOOLS

SCHOOL BOARD MEMBERS

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Vice-Chairman

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JEAN S. MURRAY, ED.D.
Superintendent



A RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE BENEFIT OF THE STAFFORD COUNTY SCHOOL BOARD FOR THE PURPOSE OF A PUBLIC TRAFFIC SIGNAL AND ASSOCIATED PUBLIC ROAD TURN LANES NECESSARY FOR PUBLIC SCHOOL PURPOSES PURSUANT TO SECTION 22.1-127 OF THE CODE OF VIRGINIA

Whereas, The Stafford County School Board has determined that a public necessity exists to enter upon and acquire certain real property in Stafford County, Virginia for a traffic signal and public road purposes associated with the construction and operation of a public school and for the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of Stafford County, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County School Board on this the 11th day of July, 2006, that:

1. The acquisition of a portion of the hereinafter-described properties for a traffic signal and public road purposes is declared to be a public necessity and to constitute an authorized undertaking pursuant to Section 22.1-127, Code of Virginia (1950), as amended, and that the acquisition and use of such property by the School Board will constitute a public use.
2. The Stafford County School Board elects to use the procedures set forth in Chapter 2 of Title 25.1, as authorized by Section 22.1-127, Code of Virginia (1950), as amended.
3. The law firm of Parrish, Houck and Snead, PLC are hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25.1, Code of Virginia (1950), as amended, the hereinafter-described properties in Stafford County, Virginia, together with all rights, appurtenant thereto, for a public traffic signal and public road purposes, the said properties and ownership being more particularly described in Paragraphs 4 and 5 of this Resolution.
4. The name of the present owners of the properties to be acquired are:
 - a. Clinton Heflin (Tax Map Number 28-14)
 - b. Ruth Ambrose (Tax Map Number 28-15A).
5. A substantial description of the portion of the properties to be acquired in fee simple are:
 - a. Clinton E. Heflin: 0.2213 acres depicted on the plat prepared by H. Christopher Hughes, Land Surveyor, attached hereto as Exhibit "A" and incorporated herein, dated May 2, 2005, titled "Plat Showing Right-Of-Way Dedication On T.M. 28-14". Said 0.2213 acres being a portion of that certain lot or parcel of land situate, lying

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(Continued)

and being in Rock Hill District, Stafford County, Virginia containing 6.716 acres, more or less, as shown by a plat and survey thereof made by L. R. R. Curtis, Certified Surveyor, April 10, 1948, and recorded in Deed Book 79, Page 154 in the Clerk's Office of the Circuit Court of Stafford County, Virginia.

b. Ruth M. Ambrose: 0.4542 acres depicted on the plat prepared by H. Christopher Hughes, Land Surveyor, attached hereto as Exhibit "B" and incorporated herein, dated May 2, 2005, titled "Plat Showing Right-of-Way Dedication on T.M. 28-15A". Said 0.4542 acres being a portion of that certain lot or parcel of land situate, lying and being in Rock Hill Magisterial District, Stafford County, Virginia containing 4.37 acres, more or less, as shown on plat prepared by L. R. R. Curtis, Certified Surveyor, dated June 16, 1953, and recorded in Deed Book 82, Page 452 in the Clerk's Office of the Circuit Court of Stafford County, Virginia.

6. Just compensation for the portion of each property to be acquired has been determined by an appraisal of each property by a competent appraiser and is estimated to be as follows

a. Clinton Heflin (Tax Map Number 28-14): \$8,800.00

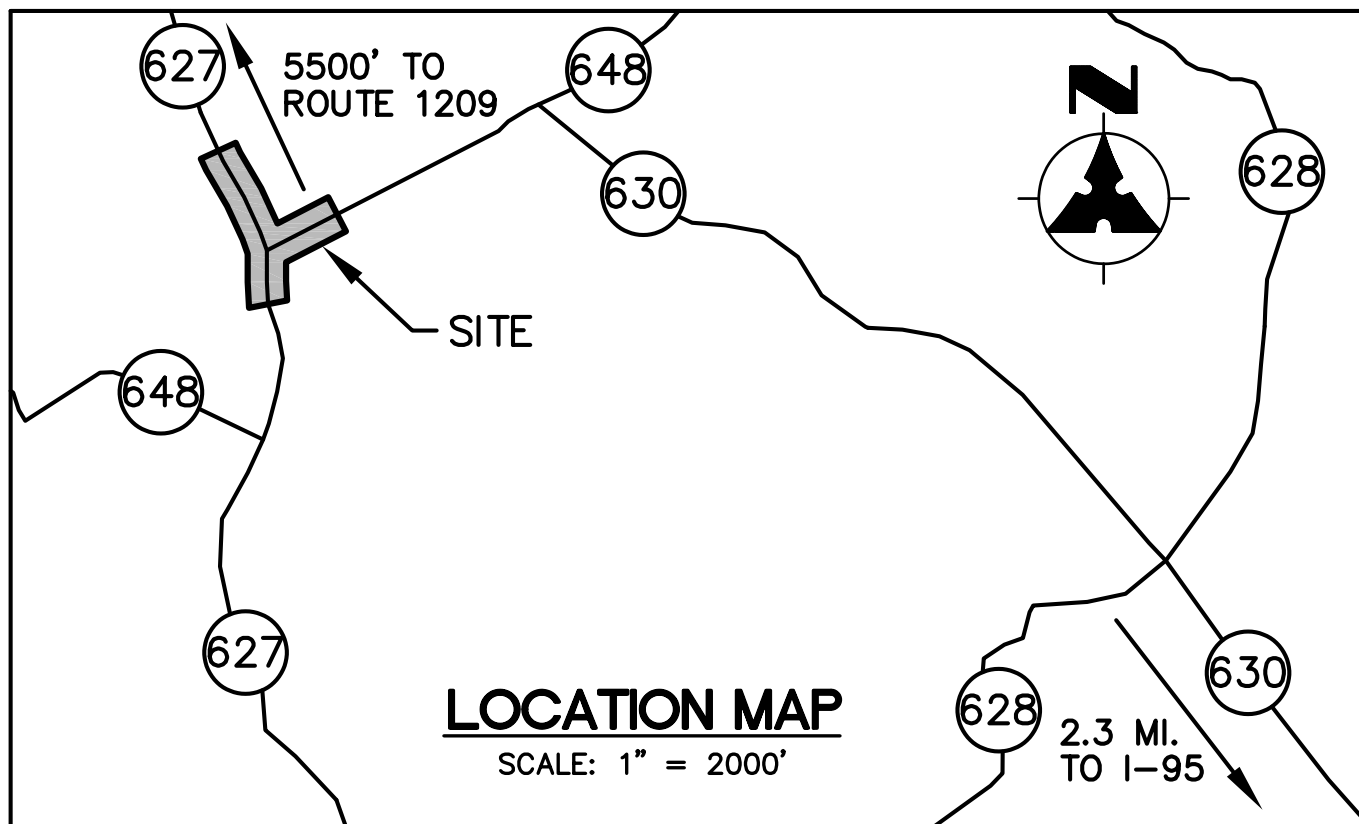
b. Ruth Ambrose (Tax Map Number 28-15A): \$21,000.00

7. In the event any of the property described in Paragraph 5 of this Resolution has been or is conveyed, the law firm of Parrish, Houck and Snead, PLC are authorized and directed to institute proceedings against successors in title.

8. All actions that have been taken by Parrish, Houck & Snead, PLC, related to the condemnation of the properties described herein are hereby ratified by the Stafford County School Board.

**Edward Sullivan, Chairman
Stafford County School Board**

**Cathy Torkos, Clerk
Stafford County School Board**



**ROAD IMPROVEMENTS PROJECT AT INTERSECTION OF
MT. VIEW RD. (RT. 627) AND SHELTON SHOP RD. (RT. 648)**

